



# Monday, October 17, 2016

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**The Probate Examiner's Office recommends approval of the following Probate matters:**

- 3     14CEPR00640     Rafaela Perez Sambrano (Estate)
- 13    16CEPR00189     Ida Capozzi (Estate)
- 23    16CEPR00869     L. G. Simmons (Spousal)
- 26    16CEPR00917     Sumio Kubo (Estate)
- 27    16CEPR00925     Eugene N. Lawrence (Estate)

**The following Probate matters have been continued at the request of the Petitioner or the Petitioner's attorney:**

- 19    16CEPR00803     Rose Banuelos (Det. Succession) Continued to **11/14/2016**

**The following Probate matters are off calendar:**

- 9     15CEPR00638     Charles Kemmer (Estate)
- 11    15CEPR01093     Robert T. Fitzpatrick (Estate)

**Appearance of counsel is recommended for all remaining Probate matters set for hearing.**

**Thank you.**

**Dept. 303, 9:00 a.m. Monday, October 17, 2016**

**1 Joseph Daniel Fernandez (GUARD/P) Case No. 13CEPR01025**

Petitioner: Isabel Mary Cedillo (pro per)

**Petition for Visitation**

		<b>ISABEL CEDILLO</b> , paternal grandmother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>ANNETTE FERNANDEZ</b> , maternal grandmother, was appointed guardian on 1/23/14.	1. Need Notice of Hearing.
<b>Cont. from</b>			2. Need proof of service of the Notice of Hearing on: a. Annette Fernandez (guardian)
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 10/11/16
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 1- Fernandez</b>

**2 Travis Dale Clark (CONS/P)****Case No. 14CEPR00589**

Conservator: Christine Clark (pro per)

Attorney: Heather H. Kruthers (for the Public Guardian)

**Probate Status Hearing Re: Possible removal of Conservator**

		<b>CHRISTINE CLARK</b> , spouse, was appointed conservator on 8/13/14.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Minute order dated 6/20/16 - the Court removed Christine Clark as conservator and appointed the Public Guardian until a successor conservator could be appointed.  At the hearing on 8/1/16 the Public Guardian requested a 60 day continuance indicating a conservatorship may not be necessary.  <b>Declaration of Deputy Public Guardian Gary Healy re: No Need for a Conservatorship was filed on 9/28/16.</b>
Cont. from 062016, 080116			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 10/11/16	
		Updates:	
		Recommendation:	
		File 2- Clark	

**First and final Account and Report of Administrator and Petition for Its Settlement, and Petition for Final Distribution.**

<b>DOD: 1/31/10</b>		<b>LORENZO PEREZ SAMBRANO,</b> Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 1/31/10 – 8/13/16	
<b>Cont. from</b>		Accounting - <b>\$30,000.00</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$30,000.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$30,000.00</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>Distribution pursuant to intestate succession is to:</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
	<b>Aff.Pub.</b>	Lorenzo Perez Sambrano - 1/6 interest in decedent's ½ interest in the real property.	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	Johnny Sambrano - 1/6 interest in decedent's ½ interest in the real property.	
<input checked="" type="checkbox"/>	<b>Letters</b>	11/24/14	
	<b>Duties/Supp</b>		
	<b>Objections</b>	Domingo Sambrano - 1/6 interest in decedent's ½ interest in the real property.	
	<b>Video Receipt</b>		
	<b>CI Report</b>	Beatrice Nebre - 1/6 interest in decedent's ½ interest in the real property.	
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>	Isabel Sambrano Lopez - 1/6 interest in decedent's ½ interest in the real property.	
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>	Martin Sambrano - 1/6 interest in decedent's ½ interest in the real property.	

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 10/11/16
<b>Updates:</b>
<b>Recommendation:</b> SUBMITTED
<b>File 3- Sambrano</b>

## Petition for Visitation

			<b>EMILY FERNANDEZ</b> , mother, is petitioner.  <b>JACK FRANK FERNANDEZ</b> and <b>LYDIA P. FERNANDEZ</b> , maternal grandparents, were appointed guardians on 12/1/14.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 10/11/16	
			Updates:	
			Recommendation:	
			File 4- Fernandez	

**5A Ellie Jubily Robertson (GUARD/P)****Case No. 14CEPR00944****Attorney: Katherine E. Donovan (for Cindy Robertson – Guardian)****Objector: Jarrod Grant Ritter (Pro per – Father)****Petition to Fix Residence Outside of California (Person Only)**

		<b>CINDY ROBERTSON</b> , maternal grandmother, was appointed guardian of the person on 2/13/2015, is petitioner.  <b>Please see petition for details.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 9/12/2016.</b> Minute order dated 9/12/2016 states father requests a continuance to obtain counsel. Court admonishes that it will move forward on 10/17/2016, even if counsel has not been obtained. The Court further admonishes the parties to discuss the matter.  <b>Note:</b> On 9/20/2016, Jarrod Ritter (father) filed an ex parte petition to move the minor back from Missouri to California alleging guardian had moved minor out of state. The matter was set for an OSC on 10/17/2016. – <b>Please see related page 5B.</b>  <p style="text-align: center;"><b>See additional page.</b></p>
<b>Cont. from 091216</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> SEF <b>Reviewed on:</b> 10/11/2016 <b>Updates:</b> <b>Recommendation:</b> <b>File 5A- Robertson</b>

**5A**

**NEEDS/PROBLEMS/COMMENTS, *continued*:**

**Notes:**

- After the move the guardian must serve a *Post-Move Notice of Change of Residence of the Ward* (Judicial Council form GC-080) on the minors' parents within 30 days of the move and then file the original with the court.
- If the petition is granted, a status hearing will be set on **Tuesday, April 18, 2017 at 9:00 am in Dept. 303** for the filing of proof of establishment of a guardianship in Missouri.

## Order to Show Cause Re: Ex Parte Petition to Order Minor Back to California

		<p><b>CINDY ROBERTSON</b>, maternal grandmother, was appointed guardian of the person on 2/13/2015, is petitioner.</p> <p>Guardian petitioned to fix the minor's residence outside California (to Missouri), stating in summary, she must relocate due to her own health and financial issues.</p> <p><b>JARROD RITTER (father)</b> objected to the move.</p> <p><b>Minute order dated 9/12/2016</b> continued the petition to fix residence to 10/17/2016 at the father's request so he could obtain counsel.</p> <p>Subsequently, on 9/20/2016, father alleged the guardian had moved the minor to Missouri without the Court's permission and filed an ex parte petition to order the minor back to California.</p> <p><b>Court order dated 9/21/2016</b> ordered Cindy Robertson (guardian) to appear before the Court on 10/17/2015 and show cause why the guardianship should not be terminated for moving the minor out of California without the Court's permission. A clerk's certificate of mailing was effected on 9/21/2016.</p> <p><b>Guardian's response to the petition ordering minor back to California and the Court's OSC filed 9/21/2016.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> On 9/20/2016, Jarrod Ritter (father) filed an ex parte petition to move the minor back from Missouri to California alleging guardian had moved minor out of state. The matter was set for an OSC on 10/17/2016.</p>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> SEF</p> <p><b>Reviewed on:</b> 10/11/2016</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5B- Robertson</b></p>	



Attorney Heather H. Kruthers (for Public Administrator)

## Probate Status Hearing Re: Filing of the First or Final Account

<b>DOD: 7/1/2006</b>	<b>PUBLIC ADMINISTRATOR</b> was Court-appointed as Administrator by <i>Minute Order</i> dated 8/10/2015.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need first and/or final account.  2. Need proof of service of notice of the Status Report Regarding Filing Final Account pursuant to Local Rule 7.5(B).
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>	X	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**Final Inventory and Appraisal filed 1/5/2016** shows an estate value of **\$235,000.00**, consisting of real property. *Reappraisal for Sale* filed 1/5/2016 shows a reappraised value of real property of **\$145,000.00**.

**Minute Order dated 8/10/2015** from the hearing on petition for probate filed 2/11/2015 by Jonathan Vaughn states, in pertinent part, the Court appoints the Public Administrator forthwith due to the Petitioner's inability to post bond and the fact that no other family member wishes to act at this time. Jonathan Vaughn and Donna Standard [attorney for Jonathan Vaughn] are order to turn over any and all oral and written information pertaining to the estate to the Public Administrator. Court set status hearing on 10/17/2016 for filing of the first or final account.

**Status Report Regarding Filing Final Account filed 10/13/2016 states:**

- There are six heirs: **JOHNATHAN VAUGHAN**, son, **DIANNE VAUGHAN STEWART**, daughter, **DARRELL LYNN VAUGHN**, son, **ANTHONY VAUGHAN**, son, **CHRISTOPHER VAUGHAN**, son. There is one deceased daughter, **MARGARET GREENE** (DOD 1/25/2014) who left two children: **SHANNA GREENE**, granddaughter, and **NATHAN GREENE**, grandson;
- The real property is recorded in the names of **VIVIAN VAUGHAN** and **R.L. VAUGHAN**, who died on 9/26/1987, but it appears no one ever filed an Affidavit of Joint Tenant, so the property is still in both names; PA will be obtaining a certified death certificate for **R.L.**;

**~Please see additional page~**

<b>Reviewed by:</b> LEG
<b>Reviewed on:</b> 10/11/16
<b>Updates:</b> 10/13/16
<b>Recommendation:</b>
<b>File 6- Vaughan</b>

**Status Report Regarding Filing Final Account filed 10/13/2016, continued:**

- In 2015, the Tax Collector filed a Notice to Sell the Tax Defaulted Real Property due to non-payment of taxes for 2007-2008 tax year in the amount of **\$827.34**; on 6/25/2015, a Rescission of the former document was filed indicating someone paid the 2007-2008 taxes; it is unknown whether the property taxes are current;
- Department of Health Care Services (DOH) filed a Creditor's Claim for **\$31,433.86** on 4/13/2015; according to Attorney **DONNA STANDARD**, DOH withdrew their claim by a 12/19/2007 letter addressed to **DIANNE VAUGHAN STEWART**; since the claim by DOH was filed in 2015, the PA feels that it is a valid claim, and DOH expects to be paid now;
- The property will have to be sold to pay the DOH creditor's claim and the fees and costs of administration;
- The PA plans to distribute the remaining balance, if any, among the 6 heirs; the PA intends to serve **JOHNATHAN VAUGHAN** (and Does) with a 60-Day notice in order to evict him and put the property up for sale;
- The PA intends to request a reappraisal of the property and to have Chicago Title do a Preliminary Title Report to see if there are any liens on the property;
- In order to accomplish all of the above and to prepare and file a final account, it is requested the next status hearing for the final account be set no sooner than **4 months** from the hearing on 10/18/2016.

Attorney Heather H. Kruthers (for Petitioner Public Guardian)

**First and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and Attorney; for Authorization to Sell Personal Property**

<b>DOD: 8/1/2015</b>		<b>PUBLIC GUARDIAN</b> , Conservator of the Person and Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Court records show Court filing fees of <b>\$78.00</b> are due and payable by Petitioner for charges on 6/23/2015 (apparently for certified copies of letters), which were made prior to the fee waiver granted on 9/1/2016. Court may wish to make an order regarding whether the outstanding Court fees are payable by Petitioner or will be waived at this time.
		<b>Account period: 6/17/2015 – 8/1/2015</b>	
		Accounting - <b>\$236.39</b>	
		Beginning POH - <b>\$104.44</b>	
<b>Cont. from</b>		Ending POH - <b>\$236.39</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W /	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**PUBLIC GUARDIAN**, Conservator of the Person and Estate, is Petitioner.

**Account period: 6/17/2015 – 8/1/2015**

Accounting - **\$236.39**

Beginning POH - **\$104.44**

Ending POH - **\$236.39**

**Subsequent Account period: 8/2/2015 – 7/26/2016**

Accounting - **\$2,191.90**

Beginning POH - **\$ 236.39**

Ending POH - **\$1,646.14**

(\$,636,14 is cash; \$10.00 is personal property;)

Conservator - **\$3,117.64**

(itemized at Exhibit C; 26.34 Deputy hours @ \$96/hr and 7.75 Staff hours @ \$76/hr)

Attorney - **\$2,500.00**

(per Local Rule 7.16(A);)

Bond fee - **\$25.00** (OK)

(per Probate Code 2942, minimum bond fee to be deposited into the county treasury as the estate was never more than \$10,000.00;)

**Petitioner prays for an Order:**

1. Approving, allowing and settling the First and Final Account;
2. Authorizing the conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee;
4. Authorizing Petitioner to sell the personal property on hand;
5. That there is no estate remaining to distribute to Decedent's heir, **STEVEN D. STUBBLEFIELD**, after payment of court-authorized commissions and fees; and
6. Authorizing Petitioner to impose a lien on the estate of the Deceased Conservatee for any unpaid balances of authorized fees and commissions.

**Reviewed by:** LEG

**Reviewed on:** 10/11/16

**Updates:**

**Recommendation:**

**File 7- Stubblefield**

**8 Edward Santos (Estate)****Case No. 15CEPR00454****Attorney: Thomas A. Markeson (for Melissa Posas and Mark Santos – Co-administrators)****First and Final Report; Petition for Approval of First and Final Report on Waiver of Account, for Allowance of Costs Advanced; for Payment of Attorney Fees; and for Final Distribution**

<b>DOD: 2/21/2015</b>	<b>MELISSA POSAS and MARK SANTOS</b> , co-administrators with full IAEA without bond are petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Accounting is waived.	
<b>Cont. from</b>	I&A - <b>\$308,715.00</b>	
<b>Aff.Sub.Wit.</b>	POH - <b>\$122,471.09</b>	
✓ <b>Verified</b>	(\$82,516.09 is cash)	
✓ <b>Inventory</b>	Co-administrators - waive	
✓ <b>PTC</b>	Attorney - <b>\$7,054.30</b>	
✓ <b>Not.Cred.</b>	(less than statutory)	
✓ <b>Notice of Hrg</b>	X/O - <b>\$6,086.25</b>	
✓ <b>Aff.Mail</b>	For efforts associated with sale of real property that was under a threat of foreclosure and due to a number of sales attempts which fell through; sale was eventually successful. Also for litigation matters involving oral loans to different individuals resulting in research, demand letters and preparation of small claims complaints. One matter was reduced to judgment and another remains pending.	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters 6/12/2015</b>		
<b>Duties/Supp</b>		
<b>Objections</b>	Costs - <b>\$1,745.21</b>	
<b>Video Receipt</b>	filing, publication, probate referee, certified copy, recorder, service fees	
<b>CI Report</b>	West America Bank - <b>\$11,747.58</b>	
✓ <b>9202</b>	pay off balance of loan on 2013 Hyundai that is to be distributed to Melissa Posas per agreement among heirs	
✓ <b>Order</b>		
<b>Aff. Posting</b>	Closing - <b>\$500.00</b>	
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>	<b>See additional page.</b>	
		<b>Reviewed by:</b> SEF
		<b>Reviewed on:</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8- Santos</b>

**Distribution, pursuant to intestate succession, assignments and agreement among heirs, is to:**

Ophelia Baiz	\$13,845.69 (per assignments of interest)
Michael Santos	\$13,845.69
Melissa Posas	\$13,845.69 (plus 2013 Hyundai per agreement among heirs)
Mark Santos	\$13,845.69

To: Melissa Posas, Mark Santos, Michael Santos and Ophelia Baiz:

Judgment in Case no. 16CESC00463 - \$10,155.00

Loan to Krissy Torres – balance due: \$2,300.00

Lawsuit titled *Mark Posas and Mark Santos v. Viola Hernandez* in Case no. 16CESC01415) – seeking judgment for \$10,000.00

Loan to Viola Hernandez – original amount of \$19,230.00; balance of loan being sought in Case no. 16CESC01415)

Loan to Viola Hernandez and Christina Torrez – balance due: \$4,000.00

## Probate Status Hearing RE: Filing of the First or Final Account

<b>DOD: 5/30/2015</b>	<b>CHRISTOPHER KEMMER</b> , son, was appointed administrator with full IAEA without bond on 8/10/2015.  <i>Letters issued 8/12/2016.</i>  <b>Minute order dated 8/10/2015</b> set this hearing for the filing of the first and final account.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <p style="text-align: center;"><b>OFF CALENDAR.</b></p> First and final account was filed 10/6/2016 and set for hearing 11/17/2016.
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
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<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> SEF
		<b>Reviewed on:</b> 10/11/2016
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9- Kemmer</b>

Status RE: Administration and Filing of the Inventory and Appraisal

<b>DOD: 2/24/15</b>		<b>SPECIAL ADMIN EXPIRES 10/17/16</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>The PUBLIC ADMINISTRATOR</b> was appointed Special Administrator on 4/18/16, and Administrator on 6/13/16.	<b>1. <del>Need status report from PA pursuant to Local Rule 7.5. See Page 2.</del></b>
		At hearing on 6/13/16, the Court set this status hearing re filing the I&A.	<b>2. If full administration will be completed, need publication for jurisdiction pursuant to Probate Code §8120.</b>
<b>Aff.Sub.Wit.</b>		Due to various issues re this matter, the PA submitted and the Court issued further Letters of Special Administration rather than general administration. See below note re history.	<b>3. If full administration will be completed, need Final Inventory and Appraisal pursuant to Probate Code §8800.</b>
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>		<p><b>Note re history:</b> The original petition for probate filed 8/14/15 by possible creditors Jim Carter and Debra Burgess, had numerous deficiencies including but not limited to lack of publication; therefore, the Court appointed the PA to review whether administration was necessary.</p> <p>A declaration by Debra Burgess filed 5/20/16 clarified their relationship to the decedent – they were attempting to assume certain debt of \$10,000 secured by the decedent's residence from a lender. The declaration appeared to attempt to cure defects in their original petition; however, no formal amendment was filed.</p> <p>The Court appointed the PA as Administrator on 6/13/16 and set this status hearing; however, upon discussion, it was noted that publication must occur for jurisdiction for administration; therefore, due to lack of funds to publish, further special administration was ordered with an expiration date of 10/17/16.</p>	<p><b>Note:</b> According to an I&amp;A filed prematurely by the original petitioners without appointment, the estate will contain real property valued at \$140,000 and personal property (the contents of the home) valued at \$28,740 (total value \$168,740). The PA's status report filed 6/2/16 stated Jim Carter did not turn over the keys, and reportedly checks on the home weekly although he resides in the Bay Area.</p> <p><b>Note:</b> The original petitioners obtained a nomination from the niece. According to various file documents, the decedent was survived by cousins and a niece; however, it does not appear that a family tree has been provided to the Court for verification of notice and heirship under intestate succession.</p>
<b>Aff. Posting</b>			<b>Reviewed by:</b> skc
<b>Status Rpt</b>			<b>Reviewed on:</b> 10/11/16
<b>UCCJEA</b>			<b>Updates:</b> 10/14/16
<b>Citation</b>			<b>Recommendation:</b>
<b>FTB Notice</b>			<b>File 10- Manson</b>

## Page 2

**Status Report filed 10/13/16 states** the original petitioners filed a Final I&A in this matter on 2/16/16. It is therefore respectfully recommended that this hearing be taken off calendar.

**Examiner's Note:** The original petitioners did file an I&A prematurely, as they had not been appointed. However, due to the various issues with their original petition, they were not appointed and therefore the I&A is not appropriately verified by the estate administrator. At The PA is currently Special Administrator, which special administration is expiring. Further status report and verified I&A is necessary if administration is to continue.



Status RE: Administration and Filing of the Inventory and Appraisal

<b>DOD: 6/21/15</b>		<b>SPECIAL ADMIN EXPIRES 10/17/16</b>	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  <b>Minute Order 5/9/16:</b> The Court appoints the Public Administrator and orders the PA to immediately notify all proper authorities to pursue any and all civil and criminal actions.
		<b>The PUBLIC ADMINISTRATOR</b> was appointed Special Administrator on 3/28/16, and Administrator on 5/9/16.	
		At hearing on 5/9/16, the Court set this status hearing re filing the I&A.	<b>4. <del>Need status report from PA pursuant to Local Rule 7.5.</del></b> <b>See Page 3.</b>  <b>5. If full administration will be completed, need publication for jurisdiction pursuant to Probate Code §8120.</b>  <b>6. If full administration will be completed, need Final Inventory and Appraisal pursuant to Probate Code §8800.</b>  <b>Note:</b> Mr. Sandoval's petitions were filed with a fee waiver. If assets are recovered/ distributed pursuant to this estate, all fees will be due to the Court.  <b>Note:</b> Two Creditor's Claims have been filed in this estate, as well as a Notice of Lien by CourtCall, LLC.
<b>Aff.Sub.Wit.</b>		Due to various issues re this matter, the PA submitted and the Court issued further Letters of Special Administration rather than general administration. See below note re history.	
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>		<b>Note re history:</b> JOSEPH G. SANDOVAL, Beneficiary, filed a Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Estate under IAEA on 1/4/16.	
<b>Aff.Pub.</b>		The Petition requested that the decedent's holographic will dated 6/7/95 be admitted to probate and estimated the value of the estate as follows:	
<b>Sp.Ntc.</b>		Personal property: \$10,000 Real property: \$45,000 <u>(\$230,000 less encumbrance of \$185,000)</u> Total: \$55,000.	
<b>Pers.Serv.</b>		Mr. Sandoval also filed an Ex Parte Petition for Letters of Special Administration to obtain information in connection with certain transactions described in the Ex Parte Petition. (See document for details.) However, he was unable to appear at the hearing and the Ex Parte Petition for Special Administration was denied on 1/25/16.	
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>		At the continued hearing on the Petition for Probate of Will on 3/28/16, the petitioner requested that the Public Administrator be appointed. The Court so ordered and set status hearing re assessment of the estate for 5/9/16.	
<b>Status Rpt</b>		The PA filed a status report on 5/6/16 requesting additional time. See Page 2 for details.	
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>		<b>SEE ADDITIONAL PAGES</b>	
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 10/11/16
			<b>Updates:</b> 10/14/16
			<b>Recommendation:</b>
			<b>File 12- Watson</b>

**Page 2 - Status Report filed 5/6/16 by the Public Administrator states:** Deputy PA Susan Sparke spoke with Joseph Sandoval, his niece Esperanza Ruiz-Morris, and Regina Martinez, who identified herself as a legal document assistant who works as an independent paralegal. Mr. Sandoval, the lifelong partner of the decedent, alleges that a man named Dearil White obtained Power of Attorney for the decedent toward the end of his life and as such was able to access and receive the decedent's social security and retirement checks. Mr. Sandoval alleged that Mr. White used the decedent's identity to purchase two vehicles, both of which have been repossessed. The real property was set to go to foreclosure in January, but has not yet been lost.

Ms. Sparke visited the property and spoke to the tenant, who reported that she and her husband paid Dearil White \$1,600 when they moved into the residence in April 2014 and had been paying him \$800/month until they recently heard that the property may be in foreclosure. The tenant advised that Mr. White had taken mail addressed to the decedent that was delivered to the property. In addition, a neighbor reported that Mr. White said the decedent had donated the property to the church that Mr. White is affiliated with.

Ms. Sparke is also aware of a small amount of unclaimed property with the State of California and two bank accounts at Wells Fargo.

**Based on the allegations and this information, Ms. Sparke intends to take the following action:**

- Contact the lender to ensure that foreclosure can be postponed to allow time to determine if the amount can be paid and the property saved.
- Request statements from Wells Fargo to confirm that Dearil White was listed as agent under a POA and review activity after the decedent died.
- Check credit reports to determine if Dearil White or any other person stole the decedent's identity.
- Check with DMV to determine if there are any car registrations to evidence the purchase of vehicles in the name of the decedent.
- Contact Social Security and California State Teacher's Retirement System regarding directly deposited checks.

Ms. Spark was advised by Ms. Ruiz-Morris that she attempted multiple times to file a police report re identity theft. She will follow up regarding the report.

The Public Administrator was advised by the Court that Mr. White had been appointed as Administrator of his mother's estate (Polly Ann White 14CEPR00469) on 12/11/14. He failed to file a first account and a status hearing was continued to 4/21/16. In addition, the Court advised Mr. White's attorney that a bench warrant had been issued for Mr. White in a contempt proceeding for non-payment of child support.

The Public Administrator was told that the decedent resided in a room and board facility called New Hope House. Ms. Sparke learned that Mr. White's wife, Juliana Brantley, is the CEO of New Hope House. This certainly would have provided opportunity for Mr. White to unduly influence the decedent and even steal from him.

**Given the number of allegations and entities that the PA needs to contact, a 90 day continuance was requested.**

**Page 3 – Status Report filed 10/13/16 states** the PA has determined that there are no assets to marshal. It is presumed anything that existed at the date of death was squandered or misappropriated.

The PA has subpoenaed and obtained records from the DMV and Wells Fargo. Wells Fargo has objected to the subpoena, and County Counsel has responded to those objections and pointed out that the objections do not have valid standing. They have been given until 10/26/16 to produce the requested records.

Also, the PA just received information from CALSTRS on 10/12/16 re the decedent's retirement benefits. She requests two months to review the documents provided.

As noted above, the PA has only been issued Letters of Special Administration with specific limited powers. She asserts that to provide all necessary services as Administrator, she requires Letters of Administration or Letters of Special Administration with general powers.

**Examiner's Note:** For Letters of Administration or Special Administration with general powers, publication is required for jurisdiction.

**Report of Executor and Petition for Allowance of Statutory fees and  
Reimbursement of Costs, and for Final Distribution on Waiver of Accounting**

<b>DOD: 2/7/2016</b>		<b>JAMES RICHARD CAPOZZI</b> , son and Executor with full IAEA without bond, is petitioner.  Sole heir waives accounting.  I&A - <b>\$265,096.00</b> POH - <b>\$265,096.00</b> (\$3,596.00 is cash)  Executor - waives  Attorney - <b>\$8,301.92</b> (statutory)  Costs - <b>\$1,587.00</b> (filing, publication, certified copy and probate referee fees)  <b>Distribution, pursuant to decedent's          Will is to:</b>  James Richard Capozzi \$3,596 cash, real property and personal property	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
<b>Letters 4/5/2016</b>			
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by:</b> SEF	
		<b>Reviewed on:</b> 10/11/2016	
		<b>Updates:</b>	
		<b>Recommendation:</b> SUBMITTED	
		<b>File 13- Capozzi</b>	

**Status RE: Receipt for Blocked Account**

		<p><b>AMALIA ALVAREZ</b>, Mother, was appointed Guardian of the Estate on 4/4/16 with bond of \$422,400.00 and all funds placed into a blocked account. The Court set this status hearing re receipt for blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 9/12/16:</b> Counsel requests 30 days.</p> <p><b>Note:</b> Further declarations were filed 10/13/16. See additional pages.</p> <p><b><u>SEE ADDITIONAL PAGES</u></b></p>
<p><b>Cont. from 051616, 061316, 071816, 080116, 091216</b></p>		<p>Per Minute Order 6/13/16, funds must be deposited in a blocked account. The Court does not order bond at this time. Letters issued 6/21/16.</p>	<p><b>Minute Order 4/4/16 states:</b> The Court orders funds be placed into a blocked account upon receipt. This Court would be open to investment of the funds in the future, and would be looking for Counsel to provide specifications/projections with regard to the investment.</p>
<p><b>Aff.Sub.Wit.</b></p>			
<p><b>Verified</b></p>		<p><b>Receipt filed 7/26/16 reflects that \$340,005.00 has been deposited into a blocked account at EECU. (Amount over FDIC limit; see #1)</b></p>	<p><b>Declaration filed 7/28/16 states</b> Kaliah's father, Michael Walker, provided the majority of financial support for the family. Petitioner has another daughter, Alexis, whose father is alive and they share custody. Neither pays support to the other, and they share costs equally for Alexis. However, Mr. Walker had taken seriously the duties of Alexis' father in all ways, including her financial support. He brought \$4-\$6,000/month, which he used to support the family. Mr. Walker died in a motor vehicle accident on 7/25/14, and Petitioner has attempted to support herself and the girls on her salary alone of approx. \$2,440/month. She also receives a monthly stipend of \$1,049.00 per month from Social Security on Kaliah's behalf for her deceased father.</p>
<p><b>Inventory</b></p>			
<p><b>PTC</b></p>		<p>See Income and Expense declaration filed 5/10/16 and updated Income and Expense declaration filed 10/13/16.</p>	<p>See Income and Expense declaration filed 5/10/16 and updated Income and Expense declaration filed 10/13/16.</p>
<p><b>Not.Cred.</b></p>			
<p><b>Notice of Hrg</b></p>		<p>Petitioner realizes that the monies received from the proceeds of Mr. Walker's accidental death policy and are for Kaliah's future; however, he was too young to realize that by leaving the policy beneficiary directly in the minors' names, the funds would not be given to her to help raise them. This was not his intention as he told her many times that she didn't have to worry about raising the girls if something were to happen to him.</p>	<p><b>SEE ADDITIONAL PAGES</b></p>
<p><b>Aff.Mail</b></p>			
<p><b>Aff.Pub.</b></p>		<p><b>9202</b></p>	<p><b>Order</b></p>
<p><b>Sp.Ntc.</b></p>			
<p><b>Pers.Serv.</b></p>		<p><b>UCCJEA</b></p>	<p><b>Citation</b></p>
<p><b>Conf. Screen</b></p>			
<p><b>Letters</b></p>		<p><b>FTB Notice</b></p>	
<p><b>Duties/Supp</b></p>			
<p><b>Objections</b></p>		<p><b>CI Report</b></p>	
<p><b>Video Receipt</b></p>			
<p><b>Status Rpt</b></p>		<p><b>9202</b></p>	<p><b>Order</b></p>
<p><b>UCCJEA</b></p>			
<p><b>Citation</b></p>		<p><b>FTB Notice</b></p>	
<p><b>FTB Notice</b></p>			

**Reviewed by:** skc  
**Reviewed on:** 10/11/16  
**Updates:** 10/14/16  
**Recommendation:**  
**File 14- Walker**

**Page 2** – Since the gross amount Michael brought in was in excess of \$4-\$6,000 per month, Petitioner asks the Court to award her support from Kaliah's account to assure that she is afforded the best opportunities she can afford. They currently do not live in a very good area. Petitioner would like to move to a better school district and needs support to do that. **She is asking for \$2,000.00 \$700.00 per month from Kaliah's funds to assist with her support. Petitioner also requests reimbursement of the filing fee of \$435.00, which she paid from her own funds.** Petitioner also requests to pay the attorney's fees and costs. (Paid per order 8/5/16.) (Declaration filed 10/13/16 revised the amount requested; see below.)

**Declaration filed 10/13/16 states** the financial planner has recommended an annuity called a Livewell Guarantee Annuity issued by Midland National Life Insurance Company; a multi-year guaranteed annuity that would be kept in effect until Kaliah reaches majority or until another order of the court is granted. Petitioner states she has very little debt, but has incurred debt for extras like emergency car repairs, a computer that the girls needed for school, clothing and other expenditures that arise which she has no control over. She has an older car in constant need of repairs. The girls have school expenses that many times she has to tell them she can't afford. When they have expenses or need clothes, she has to charge them. See updated Income and Expense Declaration.

**Petitioner states a lawsuit was filed in Los Angeles County on behalf of both minors.** Part of that lawsuit has been settled, and the sum of \$50,000.00 each after attorneys' fees is currently being set up in a minor's account for Kaliah and Alexis. Petitioner provides this for the Court to know that there are additional funds beyond the AD&D funds that Kaliah will have when she reaches 18 and beyond.

**In addition to the minors' actions, there is still part of that lawsuit that is pending with respect to a suit against the City and County for wrongful death.** It is anticipated that the girls will receive an additional settlement on that portion of the lawsuit.

Probate Code §3412 requires that funds subject to guardianship must be protected by deposit to a "blocked" account. Subparagraph (a) states "that the money be deposited in an insured account in a financial institution in this state, or in a single-premium deferred annuity, subject to withdrawal only upon authorization of the court." The estate funds are currently in a regular blocked checking account earning approximately .25% per annum. The annuity account being proposed is a single-premium deferred annuity as set forth under the Probate Code. The interest rate and growth petition of the funds far exceeds that of the current regular blocked account. In the annuity, the funds will accrue an interest rate of approx. 2.45%. In the current regular blocked account, the current rate is approximately .25%. The annuity will allow a far greater growth to the age of majority.

Petitioner has sought the services of a financial planner, Rick Staggs, of Riverpark Financial Group to obtain information to potentially maximize the estate funds for both Alexis and Kaliah to their majority. Attached at Exhibit A is a printout of the proposed annuity plan for Kaliah. **If the monies are kept in a guaranteed annuity, the annual income is projected to be \$9,180 or \$765/month.** Without touching principal, if the Court would grant her a monthly support figure of \$7000.0, the estate would still receive \$65/month, and Kaliah would not lose any money, and the support would help her provide a better life for Kaliah. It is Petitioner's understanding that this type of investment is safe and will provide the same low risk investment opportunity equal to that of keeping the funds in an FDIC insured account. Petitioner believes it is not unreasonable to ask that this portion of the income generated be characterized as monthly support to provide Kaliah a better life while she is in her developmental years in the manner in which Michael thought the insurance monies would help as his income did while he was alive.

**SEE ADDITIONAL PAGES**

**Page 3 – Petitioner asks that the sum of \$700.00 per month from the annuity be ordered payable to Petitioner to assist with Kaliah's support at this time.** Petitioner previously requested support from Alexis' estate also, but has dropped that request. Still outstanding is reimbursement to Petitioner of the \$435 filing fee plus \$50 for two certified orders, total \$485.00.

**NEEDS/PROBLEMS/COMMENTS:**

1. Examiner Notes previously requested clarification re the \$44,000 discrepancy between the amount originally estimated and the amount received as follows: Receipt filed 7/26/16 reflects \$340,005 was deposited to a blocked account at EECU. I&A filed concurrently reflects this amount as well. However, Petitioner originally estimated that the minor was to receive at \$384,000. Need clarification re the amount deposited. It does not appear that this issue has been addressed in any declaration.
2. Petitioner states the minors are expected to receive an additional \$50,000 plus additional settlements yet to be determined from various lawsuits in Los Angeles County and that funds are "currently being set up in a minor's account" for Kaliah and Alexis.

Need clarification as to the additional funds that each minor is to receive. Has the LA Court been made aware that Petitioner has established these guardianship estates? Will the additional funds be deposited into these guardianship estates? If not, need clarification.

3. Need MC-358 Order for Withdrawal of Funds from Blocked Account (re the \$485.00).

Status RE: Receipt for Blocked Account

		<p><b>AMALIA ALVAREZ</b>, Mother, was appointed Guardian of the Estate on 4/4/16 with bond of \$102,000.00 and all funds placed into a blocked account. The Court set this status hearing re receipt for blocked account.</p> <p>Per Minute Order 6/13/16, funds must be deposited in a blocked account. The Court does not order bond at this time. Letters issued 6/21/16.</p> <p><b>Minute Order 4/4/16 states:</b> The Court orders the funds placed into a blocked account. This Court would be open to investment of the funds in the future, and would be looking for Counsel to provide specifications/ projections re the investment. The issue of bond is taken under advisement by the Court. Counsel may provide additional justification re support issue in this matter.</p> <p><b>Receipt filed 7/26/16 reflects that \$85,000.00 has been deposited into a blocked account at EECU.</b></p> <p><b>Declaration filed 10/13/16 states</b> her request for support from this minor's estate is withdrawn. Still outstanding is reimbursement to Petitioner of the \$435 filing fee plus \$50 for two certified orders, total \$485.00.</p> <p><b>Re investment:</b> Probate Code §3412 requires that funds subject to guardianship must be protected by deposit to a "blocked" account. Subparagraph (a) states "that the money be deposited in an insured account in a financial institution in this state, or in a single-premium deferred annuity, subject to withdrawal only upon authorization of the court." The estate funds are currently in a regular blocked checking account earning approximately .25% per annum. The annuity account being proposed is a single-premium deferred annuity as set forth under the Probate Code. The interest rate and growth petition of the funds far exceeds that of the current regular blocked account. In the annuity, the funds will accrue an interest rate of approx. 2.45%. In the current regular blocked account, the current rate is approximately .25%. The annuity will allow a far greater growth for Alexis to the age of majority.</p> <p style="text-align: center;"><b><u>SEE PAGE 2</u></b></p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Minute Order 9/12/16:</b> Counsel requests 30 days.</p> <p style="text-align: center;"><b><u>SEE PAGE 2</u></b></p>
<p>Cont. from 051616, 061316, 071816, 080116, 091216</p>			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 10/11/16</p> <p><b>Updates:</b> 10/14/16</p> <p><b>Recommendation:</b></p> <p><b>File 15- Abarca</b></p>	



## Page 2

Petitioner has sought the services of a financial planner, Rick Staggs, of Riverpark Financial Group to obtain information to potentially maximize the estate funds for both Alexis and Kaliah to their majority. Attached at Exhibit A is a printout of the proposed annuity plan for Alexis. Petitioner is asking the Court for an order allowing Petitioner, as Guardian of the Estate, to move the funds into a guaranteed return annuity such as proposed.

**NEEDS/PROBLEMS/COMMENTS:**

4. Examiner Notes previously requested clarification re the \$11,000 discrepancy between the amount originally estimated and the amount received as follows: Receipt filed 7/26/16 reflects \$85,000.00 was deposited to a blocked account at EECU. I&A filed concurrently reflects this amount as well. However, Petitioner originally estimated that the minor was to receive at \$96,000.00. Need clarification re the amount deposited. It does not appear that this issue has been addressed in any declaration.
5. A declaration filed in the related matter re minor Kaliah Walker 16CEPR00205 discloses that both minors are expected to receive an additional \$50,000 plus additional settlements yet to be determined from various lawsuits in Los Angeles County and that funds are "currently being set up in a minor's account" for Kaliah and Alexis.

Need clarification as to the additional funds that each minor is to receive. Has the LA Court been made aware that Petitioner has established these guardianship estates? Will the additional funds be deposited into these guardianship estates? If not, need clarification.

6. Need MC-358 Order for Withdrawal of Funds from Blocked Account (re the \$485.00).

Petitioner

Brown, Bobbiette (Pro Per – Daughter – Petitioner)

## Petition for Appointment of Probate Conservator of the Person

			See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 8/1/16:</u> Continued for reciprocal investigation.  The following issues remain noted:  1. Need advisement of rights and investigation per Probate Code §§ 1823, 1826.  2. Need video receipt per Local Rule 7.15.8.A.
Cont. from 061616, 080116				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt	X		
	CI Report	X		
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 10/11/16	
			Updates:	
			Recommendation:	
			File 16- Brown	

Attorney Michael N. Splivalo (for Petitioners Darrell Short and Heidi Short)

## Petition for Appointment of Guardian of the Person

		<b>NO TEMPORARY REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>DARRELL L. SHORT and HEIDI SHORT,</b>	<b><u>Continued from 8/22/2016.</u></b> Minute Order states examiner notes provided in open court.
		maternal grandfather and step-grandmother, are Petitioners.	
<b>Cont. from 082216</b>		<b>~Please see Petition for details~</b>	<b>The following issues from the last hearing remain:</b>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	<b>Court Investigator's Report was filed on 8/15/2016.</b>	1. If Court does not find due diligence per Declaration of Jodi Echols Re: Due Diligence filed 10/13/2016, need proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: • Crystal A. Woodson, mother.
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		2. Need proposed order and proposed letters.
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	X	
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>Clearances</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: LEG</b>
			<b>Reviewed on: 10/11/16</b>
			<b>Updates: 10/13/16</b>
			<b>Recommendation:</b>
			<b>File 17- Turner</b>

Petitioner Denise Bolton (Pro Per, maternal grandmother)

## Petition for Appointment of Guardian of the Person

		<b>NO TEMPORARY REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>DENISE BOLTON</b> , maternal grandmother, is Petitioner.	<b>Continued from 9/12/2016.</b> Minute Order states examiner notes provided in open court.
<b>Cont. from 091216</b>		<b>~Please see Petition for details~</b>	<b>Note:</b> Substitution of Attorney filed 10/12/2016 shows Attorney Miles Harris now represents Petitioner Denise Bolton.
<input type="checkbox"/>	Aff.Sub.Wit.		<b>The following defects from the last hearing remain:</b>  1. Pursuant to Probate Code § 1511(b)(3), need proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> <li>Keith Bellamy, father. (Note: Proof of Service by Mail filed 9/19/2016 is insufficient; Declaration filed 9/29/2016 states father was served by text message and U.S. mail, and includes copies of certified mail receipt and printouts of text messages.)</li> </ul> 2. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> <li>Paternal grandparents.</li> </ul>
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<b>Reviewed by:</b> LEG
			<b>Reviewed on:</b> 10/12/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 18- Bellamy</b>

**Petition to Determine Succession to Real Property**

<b>DOD: 2/9/2001</b>	<b>MARY ESPINOSA</b> , daughter, is petitioner	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	40 days since DOD	
	No other proceedings	<b>Continued to 11/14/2016</b> @ request of petitioner.
<b>Cont. from 091216</b>	I&A - <b>\$55,000.00</b>	<b>Need AMENDED petition based on but not limited to the following issues:</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Decedent died intestate	
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Petitioner requests</b> court determination that decedent's 100% interest in real property located at: 414 S. Backer Avenue, Fresno, CA passes to petitioner in its entirety.	1. Case was opened with a fee waiver. Court fees are considered costs of administration; therefore, fees must be paid prior to an order being signed.
<input type="checkbox"/> <b>Inventory</b>		2. Attachment 14 of petition indicates that decedent was survived by four adult children. All heirs entitled to succeed to decedent's real property must petition together. (Prob C§ 13152(a))
<input type="checkbox"/> <b>PTC</b>		3. Items 9a(1),(2) of the petition were not answered regarding if decedent was survived by a spouse.
<input type="checkbox"/> <b>Not.Cred.</b>		4. Items 9a(3),(4) of the petition were not answered regarding if decedent was survived by a registered domestic partner.
<input type="checkbox"/> <b>Notice of Hrg</b>	x	5. Items 9a(7),(8) of the petition were not answered regarding if decedent was survived by issue of predeceased child.
<input type="checkbox"/> <b>Aff.Mail</b>	x	6. Need Attachment 11 to petition containing the legal description of the real property and its APN number, and decedent's interest in the real property.
<input type="checkbox"/> <b>Aff.Pub.</b>		7. Item 5 of the inventory and appraisal is incomplete regarding the property tax certificate.
<input type="checkbox"/> <b>Sp.Ntc.</b>		8. Need proof of service of <i>Notice of Hearing</i> with at least 15 days notice on all parties listed on item 14 of petition. (Prob C§ 13153)
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		<b>Reviewed by:</b> SEF
<input type="checkbox"/> <b>Status Rpt</b>		<b>Reviewed on:</b> 10/11/2016
<input type="checkbox"/> <b>UCCJEA</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>FTB Notice</b>		<b>File 19- Banuelos</b>

Petitioner  
Petitioner

Moreno, Fernando Ruben (Pro Per – Half-Brother – Petitioner)  
Olguin, Angelique Marie (Pro Per – Non-relative – Petitioner)

Petition for Appointment of Guardian of the Person

See petition for details.			<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 8/29/16 (Temp)</u> : Both parents receive paperwork. Mother objects to petition and father is in favor as of now. Parents need to provide contact information to the Court Investigator. The petition is granted to preserve status quo. The Court orders supervised visitation for both parents – see minute order for details.  1. Need Notice of Hearing.  2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on: - Bobby Averitt (Pat. Grandfather) - Pat. Grandmother (Not listed)
	Aff.Sub.Wit.		Reviewed by: skc Reviewed on: 10/11/16 Updates: Recommendation: File 20- Moreno
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Petitioner: Maria Martinez De Garcia (pro per)

## Petition for Appointment of Guardian of the Person

			THERE IS NO TEMPORARY. No temporary was requested.	NEEDS/PROBLEMS/COMMENTS:
			MARIA MARTINEZ DE GARCIA, maternal grandmother, is petitioner.	1. Petition indicates the paternal grandfather is unknown. If the court does not dispense with notice will need proof of service of the Notice of Hearing along with a copy of the Petition on the unknown grandfather.
Cont. from			Please see petition for details.	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 10/12/16	
			Updates:	
			Recommendation:	
			File 21- Bazada	

## 22 Unique Armstrong and Jaree Armstrong (GUARD/P)

Case No. 16CEPR00848

Petitioner Armstrong, Connie (Pro Per – Maternal Grandmother – Petitioner)

### Petition for Appointment of Guardian of the Person

			See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. If this petition goes forward, need continuance for investigation and clearances per Probate Code §1513.  2. UCCJEA filed 8/15/16 is incomplete as to the questions on Page 2. Need amended UCCJEA (Form GC-120).  3. A copy of the petition was not included with the service of the Maternal Grandfather. The Court may require amended service.  4. Petitioner states the father(s) and paternal grandparents are unknown. Need declaration of due diligence. If diligence is not found, need notice pursuant to Probate Code §1511.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/o		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report	x		
	Clearances	x		
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 10/11/16	
			Updates:	
			Recommendation:	
			File 22- Armstrong	



**Spousal or Domestic Partner Property Petition**

<b>DOD: 12/12/15</b>		<p><b>DELORIS SIMMONS</b>, Surviving Spouse, is Petitioner.</p> <p>No other proceedings</p> <p>Decedent died intestate</p> <p><b>Petitioner states</b> she and the decedent were married on 12/12/85 and had been married continuously for 30 years at the time of his death. At the time of their marriage, the decedent was employed by United Western Industries, Inc., a California corporation, that had been formed by the decedent prior to his marriage to Petitioner. He had very little property other than his interest in the stock of the corporation that he had formed and which constituted the source of virtually all his income. The decedent had not accumulated any wealth at the time of his marriage from his ownership of UWI or from his position there. Even though the corporation had been formed several years before the marriage, it was still in its fledgling stages at the time of the marriage, and did not have significant value.</p> <p>During the marriage, L.G. continued to work at the company and draw a salary as an officer, which was community property. Petitioner was also put on the payroll for various services. After their marriage, the business prospered and the value of the corporation increased.</p> <p>In 2011, L.G. and Deloris entered into a Stock Transfer Agreement with a long-term employee in which it was contemplated that the employee would buy the stock of the corporation to facilitate an orderly transition of management. The fact that both L.G. and Deloris were parties to the agreement as husband and wife was a clear indication that the stock was community property.</p> <p>During the marriage, L.G. and Deloris commingled all of their property, holding their accumulated wealth in joint names and not having any separate accounts or designations. The decedent and Petitioner considered all their property as community property regardless of the type or situs of such property or the manner in which it was held, including the stock.</p> <p><b>Petitioner requests</b> court confirmation that her one-half community property interest in 114.75 shares of UWI, Inc., belongs to her, and the decedent's one-half community property interest in 114.75 shares of UWI, Inc., passes to her.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			W
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

**Reviewed by:** skc

**Reviewed on:** 10/12/16

**Updates:**

**Recommendation:**  
**SUBMITTED**

**File 23- Simmons**

**24 Wisner Wrinkle Young (F/MARR)****Case No. 16CEPR00884****Petitioner Wisner Wrinkle Young (Pro Per, spouse)****Attorney Kristen M. Gates (for Ashley Vang Yang, only for 10/17/2016 hearing, per Limited Scope Representation filed on 9/12/2016)****Petition to Establish Fact of Marriage**

		<b>WISHER WRINKLE YOUNG</b> is Petitioner.  <i>~Please see Petition for details~</i>  <b>Declaration in Support of Petition to Establish Fact, Date, and Place of Marriage (and attachments) filed by WISHER WRINKLE YOUNG on 8/23/2016.</b>  <b>Response to Petition to Establish Fact, Date and Place of Marriage filed by ASHLEY YANG on 9/12/2016.</b> (Proof of Service by Mail filed 9/12/2016 shows the Response to Petition to Establish Fact, Date and Place of Marriage filed by ASHLEY YANG on 9/12/2016 was served by mail to WISHER WRINKLE YOUNG on 9/9/2016.)  <b>Notice of Limited Scope Representation filed 10/7/2016.</b> (Proof of Service by Mail shows copy of the Notice of Limited Scope Representation was served to WISHER WRINKLE YOUNG on 10/7/2016.)  <b>Declaration of ASHLEY VANG YANG in Support of Response to Petition to Establish Fact, Date and Place of Marriage filed 10/7/2016.</b> (Proof of Service by Mail filed 10/7/2016 shows the Declaration of ASHLEY VANG YANG in Support of Response to Petition to Establish Fact, Date and Place of Marriage filed by ASHLEY YANG on 10/7/2016 was served by mail to WISHER WRINKLE YOUNG on 10/7/2016.)	<b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Continued from 9/12/2016.</b> Minute Order states the Court orders that the Court's Hmong Interpreter be present in Department 303 before any other court rooms on 10/17/2016.  <b>The following issue from the last hearing remains:</b> 1. <u>The instant Petition is improper</u> because the procedure is designed to cure a failure to register a California marriage, and <u>cannot establish that a marriage exists.</u> <b>Item 5(a)</b> of the Declaration in Support of Petition filed on 8/23/2016 is incomplete regarding Petitioner's marriage license and the date of license; however, Item 5(a) <b>requires</b> that Petitioner supply the Court with a copy of his <b>marriage license</b> , which is required for a valid marriage in California, and the procedure which Petitioner seeks to use by filing the instant <i>Petition</i> cannot establish the validity of a California marriage if no marriage license was obtained. Pursuant to Health and Safety Code § 103450, the purpose of using this <i>Petition</i> to obtain an order establishing the fact of marriage is to obtain a certificate to replace one which was never registered, or to obtain a certified copy of the registration when the original records were lost or destroyed. Thus, the procedure is designed to cure a failure to register a California marriage, not to establish that a marriage exists.
<b>Cont. from 091216</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by: LEG</b> <b>Reviewed on: 10/12/16</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 24- Young</b>	

Attorney James D. Burnside, III (for Petitioner Karyn Dyan Klatt, step-granddaughter)  
 Attorney Christopher S. Hall; Nikole E. Cunningham (for Respondent Rod M. Lakovich)

**Petition to Determine Validity of Purported Trust Amendment and for  
Constructive Trust**

<b>DOD: 10/20/2015</b>		<b>KARYN DYAN KLATT</b> , step-granddaughter, is Petitioner.  <b>Petitioner states:</b> <ul style="list-style-type: none"> <li>Decedent was unmarried at the time of her death; she left two surviving children, and issue of one predeceased child;</li> <li>Decedent's two surviving children are her stepsons: Respondent <b>ROD M. LAKOVICH</b>, and <b>JOHN A. LAKOVICH</b>;</li> <li>Decedent's one predeceased child was stepdaughter, <b>MARY J. TIKKER</b> (DOD 6/4/2014), whose issue are daughters: Petitioner <b>KARYN DYAN KLATT</b>, and <b>CHER EILEEN INGRAM</b>;</li> <li>On 5/28/2010, Decedent executed the <b>RESTATEMENT Dated 5/28/2010 of the LAKOVICH FAMILY TRUST OF 1996 dated 3/12/1996</b> (copy attached as Exhibit A);</li> <li>In the <b>RESTATEMENT</b>, Decedent made specific bequests totaling <b>\$22,000.00</b> to grandchildren and nieces;</li> <li>In the <b>RESTATEMENT</b>, Decedent directed that the remainder of the Trust estate be distributed in 1/3 equal shares to her then three living children: <b>ROD M. LAKOVICH</b>, <b>MARY J. TIKKER</b>, and <b>JOHN A. LAKOVICH</b>, and by right of representation to any child who is deceased;  <b>~Please see additional page~</b></li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b> <ol style="list-style-type: none"> <li>Pursuant to Probate Code § 17201, <i>Petition</i> does not but should state the names and addresses of each trust <u>beneficiary</u> entitled to notice of the <i>Petition</i>. Need proof of service by mail of <b>30 days'</b> notice prior to hearing for all Trust beneficiaries pursuant to Probate Code §§ 15804(a) and 17203(a)(2). (<i>Note: Proof of Service by Mail filed 8/25/2016 is insufficient to provide this information to the Court; if the persons listed on the proof comprise all Trust beneficiaries and persons entitled to notice, further notice is not required, but the information must be separately provided to the Court.</i>)—Declaration of George Hewitt filed 10/14/2016 provides beneficiary and notice information.</li> <li>Need proposed order pursuant to Local Rule 7.1 which provides a proposed order shall be submitted with all pleadings that request relief.</li> </ol>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			W/
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>			X
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

<b>Reviewed by:</b> LEG
<b>Reviewed on:</b> 10/12/16
<b>Updates:</b> 10/13/16; 10/14/16
<b>Recommendation:</b>
<b>File 25- Lakovich</b>

Petitioner states, continued:

- On 6/26/2014, a mere 22 days after the passing of **MARY J. TIKKER** on 6/4/2014, Decedent executed the **FIRST AMENDMENT to the LAKOVICH FAMILY TRUST OF 1996** (copy attached as Exhibit B);
- In the **AMENDMENT**, Decedent deleted the 1/3 share of the remainder to be distributed to **MARY J. TIKKER** by right of representation and increased the share to be distributed to Respondent **ROD M. LAKOVICH** from 1/3 share to a 2/3 share, and still by right of representation;
- In addition, the **AMENDMENT** nominated Respondent **ROD M. LAKOVICH** as the successor trustee upon the Decedent's death;
- Petitioner requests this Court rescind and nullify the **AMENDMENT** on the ground it was executed as a direct and proximate result of undue influence exerted by Respondent **ROD M. LAKOVICH**, consisting of:
  - Respondent **ROD M. LAKOVICH** occupied a position of trust and confidence with Decedent prior to and at the time of her execution of the **AMENDMENT**; at the time executed the **AMENDMENT** she relied upon and had trusted Respondent to assist her with her financial matters;
  - Due to Decedent's advanced age and failing health, Decedent was easily influenced and controlled by Respondent **ROD M. LAKOVICH**;
  - Respondent **ROD M. LAKOVICH** actively procured the **AMENDMENT** aimed at gaining control of Decedent's assets and acquiring for himself the 1/3 share of the remainder of the Trust that would otherwise have passed to Petitioner and her sister; Respondent participated in arranging for the preparation of the instrument and the execution of the same by the Decedent;
  - The disposition of the Decedent's estate as provided in the **AMENDMENT** conferred an undue benefit on Respondent **ROD M. LAKOVICH**; Petitioner and her sister always enjoyed a loving relationship with Decedent; Respondent **ROD M. LAKOVICH**, however, took active steps to cause Decedent to execute the **AMENDMENT** at a time when she was deeply saddened and distraught by her daughter's recent passing just weeks earlier;
  - Respondent **ROD M. LAKOVICH** caused the **AMENDMENT** to be prepared in the manner whereby he would inherit the 1/3 share that would otherwise have passed to **MARY J. TIKKER** by right of representation; such a distribution is therefore unnatural, cutting off Petitioner and her sister, who were among the natural objects of Decedent's bounty, from any substantial distributions;
- By virtue of the exertion of undue influence over Decedent, Respondent **ROD M. LAKOVICH** now holds title to an equal 1/3 remainder of the Trust assets, as well as any proceeds therefrom, as constructive trustee for the benefit of Petitioner and her sister, who are entitled to a distribution from the Trust without reference to the **FIRST AMENDMENT**;
- Petitioner believes the principal place of administration of the Trust is Fresno County, and that Respondent **ROD M. LAKOVICH** is administering the Trust in his capacity as the sole successor trustee.

~Please see additional page~

Dept. 303, 9:00 a.m. Monday, October 17, 2016

**Petitioner prays for a Court Order finding that:**

1. The **FIRST AMENDMENT** is void due to undue influence exerted by Respondent **ROD M. LAKOVICH** upon the Decedent;
2. Respondent **ROD M. LAKOVICH** holds a 1/3 share of the Trust in trust for the benefit of Petitioner and her sister without reference to the **FIRST AMENDMENT**; and
3. For costs of suit incurred herein.

**Response to Petition to Determine Validity of Purported Trust Amendment and for Constructive Trust filed by ROD M. LAKOVICH on 10/13/2016 contains admission and denials to specified paragraphs of the Petition, and asserts the following affirmative defenses:**

**FIRST AFFIRMATIVE DEFENSE:** Respondent alleges that the Petition, and each and every purported claim asserted therein, fails to state facts sufficient to constitute a cause of action against Respondent.

**SECOND AFFIRMATIVE DEFENSE:** As a separate affirmative defense, Respondent alleges that all claims set forth in the Petition are barred by the applicable statute of limitations.

**THIRD AFFIRMATIVE DEFENSE:** As a separate affirmative defense, Respondent alleges that Petitioner is barred from maintaining the alleged claims by the doctrine of laches.

**FOURTH AFFIRMATIVE DEFENSE:** As a separate affirmative defense, Respondent alleges that Petitioner has waived all the purported claims and relief requested in the Petition.

**FIFTH AFFIRMATIVE DEFENSE:** As a separate affirmative defense, Respondent alleges that by reason of the knowledge, statements, and conduct of the Petitioner and that of her agents, Petitioner is barred by the doctrine of estoppel from any recovery.

**SIXTH AFFIRMATIVE DEFENSE:** As a separate affirmative defense, Respondent alleges that any alleged acts or omissions of Respondent, if any, which alleged acts or omissions are generally and specifically denied herein, were not the legal and/or proximate cause of any loss allegedly sustained by Petitioner, which loss is also generally and specifically denied by Respondent.

**SEVENTH AFFIRMATIVE DEFENSE:** As a separate affirmative defense, Respondent alleges that Petitioner has acted with unclean hands, which conduct has prejudiced Respondent and bars any recovery.

**EIGHTH AFFIRMATIVE DEFENSE:** As a separate affirmative defense, Respondent alleges that he acted reasonably, properly and in good faith in all transactions relevant hereto, and did not directly or indirectly perform any acts whatsoever which would constitute a breach of duty, if any, owed to either the Decedent or to Petitioner, the existence of any such duty being expressly denied by Respondent.

**~Please see additional page~**

**Response to Petition to Determine Validity of Purported Trust Amendment and for Constructive Trust filed by ROD M. LAKOVICH on 10/13/2016, continued:**

**NINTH AFFIRMATIVE DEFENSE:** As a separate affirmative defense, Respondent alleges that Petitioner lacks standing to assert the claims alleged in the Petition.

**RESERVATION OF AFFIRMATIVE DEFENSES:** Respondent presently has insufficient knowledge or information upon which to form a belief, whether it may have additional, yet unstated, affirmative defenses. Respondent, therefore, reserves the right to plead any additional and affirmative defenses in the event that discovery indicates that additional affirmative defenses are appropriate.

**Respondent prays for an Order:**

1. That Petitioner takes nothing by way of her *Petition*;
2. For a finding that the *Petition* amounts to a contest without probable cause under the terms of the Lakovich Family Trust of 1996, thereby revoking, canceling and rendering void any gifts to Petitioner under the Trust;
3. For a finding confirming that the **FIRST AMENDMENT to the LAKOVICH FAMILY TRUST OF 1996** is a valid amendment;
4. For an award to Respondent of attorneys' fees and costs of suit.

## Petition for Probate of Will and Letters Testamentary with IAEA

<b>DOD: 3/1/2016</b>		<b>KATHLEEN A. KUBO</b> , daughter and named executor without bond, is petitioner  Full IAEA – o.k.  Will dated 7/21/2015  Residence: Kerman Publication: Fresno Business Journal  <b>Estimated value of Estate:</b> Personal property       \$   174,198.00 Annual gross income:   \$           0.00 Real property:           \$           0.00 <b>Total:                   \$   174,198.00</b>  Probate Referee: Rick Smith	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Publication was in the Fresno Business Journal. However, #3b of petition indicates decedent was a resident of Kerman, requiring publication in the Kerman News (Local Rule 7.9A). Need clarification or declaration re: substantial compliance pursuant to Probate Code 8122.  <b>Note:</b> If granted, the Court will set status hearings as follows:  <ul style="list-style-type: none"> <li>• <b>Tuesday, March 21, 2017</b> for filing the inventory and appraisal</li> <li>• <b>Tuesday, January 2, 2018</b> for filing the first account or petition for final distribution</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			s/p
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Petn Admin</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<b>Reviewed by:</b> SEF <b>Reviewed on:</b> 10/12/2016 <b>Updates:</b> <b>Recommendation:</b> <b>File 26- Kubo</b>				

**Petition for Probate of Will and for Letters Testamentary;  
Authorization to Administer Under the IAEA**

<b>DOD: 8/17/2016</b>		<b>ROBBIE G. LAWRENCE</b> , son and named executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>													
		Full IAEA – o.k.	<p><b>Note:</b> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li><b>Tuesday, March 21, 2017</b> for filing Inventory and Appraisal</li> <li><b>Tuesday, January 2, 2018</b> for filing the first account or petition for final distribution</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>													
		Will dated 11/5/2002														
<b>Cont. from</b>		Residence: Selma														
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	s/p		<p>Publication: The Selma Enterprise</p> <p><b>Estimated value of Estate:</b></p> <table> <tr> <td>Personal property</td> <td>\$</td> <td>15,000.00</td> </tr> <tr> <td>Annual gross income:</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Real property:</td> <td>\$</td> <td>60,000.00</td> </tr> <tr> <td><b>Total:</b></td> <td><b>\$</b></td> <td><b>75,000.00</b></td> </tr> </table> <p>Probate Referee: Rick Smith</p>	Personal property	\$	15,000.00	Annual gross income:	\$	0.00	Real property:	\$	60,000.00	<b>Total:</b>	<b>\$</b>	<b>75,000.00</b>
Personal property	\$	15,000.00														
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<input type="checkbox"/>	<b>Pers.Serv.</b>		<p><b>Reviewed by:</b> SEF</p> <p><b>Reviewed on:</b> 10/12/2016</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 27- Lawrence</b></p>													
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